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# ***Public Utilities Commission of the State of California***

## ***Public Agenda 3158***

***Thursday, September 8, 2005 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**John A. Bohn**

**Geoffrey F. Brown**

**Dian M. Grueneich**

**Susan P. Kennedy**

*For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.*

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings 505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Monday, September 19, 2005 (San Francisco)	Thursday, September 08, 2005 (San Francisco)
Monday, October 03, 2005 (San Francisco)	Thursday, September 22, 2005 (San Francisco)
Monday, October 24, 2005 (San Francisco)	Thursday, October 06, 2005 (Los Angeles)
	Thursday, October 27, 2005 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

### ***Matters of Public Interest***

***For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.***

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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 32a, 32

Public Comment:

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Consent Agenda - Orders and Resolutions

- 1**  
[4716] **A02-05-046 - Southern California Edison Company.**  
Application regarding the future disposition of the Mohave Generating Station. This decision awards Water and Energy Consulting \$262,578.00 in compensation for its contribution to D04-12-016.  
(Comr Peevey - ALJ Brown)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3156, Item 8 7/21/2005 (Bohn);  
Agenda 3157, Item 3 8/25/2005 (Bohn)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202352](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202352)
- 2**  
[4740] **Res ALJ-176-3158**  
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202723](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202723)
- 3**  
[4794] **A04-03-021 - Pacific Gas and Electric Company.**  
Application proposing cost of service and rates for gas transmission and storage services for 2005 and backbone level service and rates starting January 1, 2005, as required by Commission Decision 03-12-061. This decision awards The Utility Reform Network compensation of \$36,385.45 for its substantial contribution to D04-12-050. This proceeding is closed.  
(Comr Brown - ALJ Walwyn)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
Agenda 3157, Item 15 8/25/2005 (Bohn)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202798](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202798)

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Consent Agenda - Orders and Resolutions (continued)**4** **R99-11-022 - Order Instituting Rulemaking into implementation of Public Utilities Code**  
[4836] **Section 390.**

This decision grants Pacific Gas and Electric Company's Petition to Modify D01-03-067 and relieves utilities of obligation to pay Qualifying Facilities within 15 days.

(Comr Peevey - ALJ DeBerry)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202403](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202403)

**5** **A04-08-012 - California-American Water Company (CalAm).**  
[4836]

This decision denies CalAm's request to consolidate its rates for Monterey and Felton Districts. Instead, CalAm is directed to implement two-thirds of the Felton general rate increase found reasonable but deferred in D04-05-023, and to continue accumulating the revenue shortfall in its balancing account. This proceeding is closed.

(Comr Kennedy - ALJ McVicar)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202690](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202690)

**6** **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery**  
[4851] **mechanisms for generation procurement and renewable resources development.**

This decision denies the Petition to Modify D04-06-011 by Office of Ratepayer Advocates.

(Comr Peevey - ALJ Brown)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202803](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202803)

**7** **Res T-16942 - California Teleconnect Fund Administrative Committee.**  
[4854]

This resolution adopts California Teleconnect Fund Administrative Committee Fund Budget of \$22,002,000 for fiscal year 2006-07.

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200802](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200802)

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Consent Agenda - Orders and Resolutions (continued)

- 8**  
[4863] **A04-11-013 - Pacific Gas and Electric Company (PG&E).**  
This decision approves the settlement between PG&E and Office of Ratepayer Advocates regarding the application of certain Affiliates Transaction Rules to PG&E's affiliate, Fuelco LLC (Fuelco), but requires two conditions in addition to the three that underlie the parties' agreement: PG&E shall provide the Commission with a copy of the anti-trust safe harbor ruling for Fuelco, when obtained from the United States Department of Justice, and PG&E shall expand its annual report on interactions with Fuelco to include any activities undertaken outside the scope of Fuelco's general purposes, so that the Commission may monitor the full impact on ratepayers of PG&E participation in Fuelco. This proceeding is closed.  
(Comr Kennedy - ALJ Vieth)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202796](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202796)
- 9**  
[4864] **A00-03-038 - Pacific Gas and Electric Company.**  
Application for current cost recovery during the rate freeze period. A00-03-047 - Related matters. This decision finally resolves outstanding ratemaking mechanisms from the electric industry ratemaking rate freeze era. These proceedings are closed.  
(Comr Brown - ALJ Long)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202759](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202759)
- 10**  
[4875] **A04-06-015 - Pacific Terminals LLC.**  
For authority to remove and dispose of certain oil storage and transportation facilities and properties pursuant to Pub. Util. Code Section 851. This decision dismisses application. This proceeding is closed.  
(Comr Bohn - ALJ DeBerry)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202791](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202791)
- 11**  
[4882] **A04-12-005 - Teledata Solutions, Inc. dba TSI (Applicant).**  
Applicant seeks to amend its certificate of public convenience and necessity under Pub. Util. Code §1001 to expand its authority to provide competitive limited facilities-based local exchange telecommunications services. This decision grants the requested authority subject to the terms and conditions set forth. This proceeding is closed.  
(Comr Kennedy - ALJ Patrick)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=188214](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=188214)

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Consent Agenda - Orders and Resolutions (continued)

- 12**  
[4883] **A02-05-004 - Southern California Edison Company (SCE).**  
For authority to, among other things, increase its authorized revenues for electric service in 2003, and to reflect that increase in rates. I02-06-002 - Related matters. M.F. Gildner is awarded \$6,725 in intervenor compensation for substantial contributions to D05-03-022, issued in Phase 2 of SCE's 2003 test year general rate case. This represents a decrease of \$102,070 from the amount requested. (Comr Kennedy - ALJ Barnett)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=199411](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=199411)
- 13**  
[4884] **A00-10-045 - San Diego Gas & Electric Company (SDG&E).**  
For an order implementing Assembly Bill 265. A01-01-044 - Related matters. This decision grants the Utility Consumers Action Network's request for compensation for its substantial contributions to D02-12-064 and D03-08-072. A00-10-045 and A01-01-044 are closed. (Comr Brown - ALJ Wong)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202355](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202355)
- 14**  
[4886] **A05-06-027 - Eureka Broadband Corporation and A.R.C. Networks, Inc.**  
This decision grants the application of Eureka Broadband Corporation (Eureka) and A.R.C. Networks, Inc. (A.R.C.) to transfer control through a stock conversion of A.R.C. to Eureka. The proposed transfer will not adversely affect the public interest. This proceeding is closed. (Comr Brown - ALJ Grau)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=201413](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201413)
- 15**  
[4890] **(ECP) C04-10-016 - Frances Ann Myers vs. Pacific Bell Telephone Company, dba SBC California.**  
This decision dismisses Complainant's Petition for Modification on the ground it is an untimely application for rehearing and does not satisfy the requirements for a petition for modification. This proceeding is closed. (Comr Peevey - ALJ Barnett)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200691](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200691)

## Consent Agenda - Orders and Resolutions (continued)

- 16**  
[4891]      **Res W-4560 - Alisal Water Corporation, Alco Water Service, Salinas District.**  
This resolution authorizes a surcharge to recover an increase in water quality expenses producing an increase in annual revenue for the Salinas District of \$80,373 or 1.94%. (Advice Letter 101, filed April 26, 2005)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200996](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200996)
- 17**  
[4893]      **(ECP) C05-04-025 - Roland W. Nations and Rose R. Nations vs. Sierra Meadows, LLC.**  
This decision dismisses the complaint and this proceeding is closed.  
(Comr Brown - ALJ Ryerson)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=201083](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201083)
- 18**  
[4898]      **A05-04-008 - Aaron W. Chan.**  
This decision authorizes Clifton Wu to sell to Aaron W. Chan all of the issued and outstanding stock of Advanced Airporter, Inc., a passenger stage corporation. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 19**  
[4899]      **A05-04-021 - East Bay Connection, Inc. (Applicant).**  
This decision authorizes Applicant to extend its passenger stage corporation service to include the Counties of Marin, San Francisco, San Mateo and Santa Clara, and San Jose International Airport; and to establish a Zone of Rate Freedom. This proceeding is closed.  
  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*
- 20**  
[4900]      **A05-05-016 - Eissa H. Mohammaed, Ahmed M. Zarroug, Kmel S. Bashir and Mowafi M. Ginawi.**  
This decision authorizes Eissa Hassan Mohammaed, Ahmed Mohamed Zarroug, Kmel Sadek Bashir, and Mowafi Mohamed Ginawi to transfer their passenger stage corporation certificate to Shimelis A. Wodemariam. This proceeding is closed.  
(Exam Clark)  
*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

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Consent Agenda - Orders and Resolutions (continued)

**21                    Res T-16950 - Verizon California, Inc. (Verizon).**

[4904]            This resolution approves an Interconnection Agreement between Verizon and Trans National Communications International, Inc., in accordance with the provisions of General Order 96-A and Resolution ALJ-181.

(Advice Letters 11248 and 11249, filed July 21, 2005)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=201871](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201871)

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## Regular Agenda

### Regular Agenda - Energy Orders

**22** **R04-04-026 - Order Instituting Rulemaking to implement the California Renewables Portfolio Standards Program.**  
[4748]

This decision sets forth the basic parameters for the participation of Energy Service Providers, Community Choice Aggregators, and small and multi-jurisdictional utilities in the Renewables Portfolio Standards program.

(Comr Peevey - ALJ Allen)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3157, Item 51 8/25/2005 (Peevey)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202353](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202353)

**23** **A04-04-008 - Southern California Edison Company (SCE).**  
[4818]

A04-06-018 - Related matters. The economic development tariffs proposed in these applications were designed to attract, expand, or retain business in California. This decision rejects the proposed economic development rates on the ground that, as proposed, they are so loosely structured that ineligible businesses would be the principal beneficiaries, getting a substantial reduction in electric rates, essentially, a free ride. These proceedings are closed.

(Comr Kennedy - ALJ Barnett)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3157, Item 55 8/25/2005 (Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=201811](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201811)

**23a** **ALTERNATE TO ITEM 4818**  
[4822]

A04-06-018 - Related matters. This alternate decision accepts SCE and PG&E's joint application for the authority to offer three types of Economic Development Rate (EDR) agreements to attract business to California, expand business in California, or retain business in the state. This alternate also sets forth for the utilities detailed compliance measures designed to help the revised EDR programs meet these aforementioned goals.

(Comr Kennedy)

Agenda 3157, Item 55a 8/25/2005 (Brown)

**23b** **ALTERNATE TO ITEM 4818**  
[4914]

A04-06-018 - Related matters. This alternate approves the Joint Utility Proposal for economic development rates, with modifications including a 25% shareholder contribution.

(Comr Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=201839](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201839)



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Regular Agenda - Energy Orders (continued)**24** **R \_\_\_\_\_ - Order Instituting Rulemaking concerning Broadband Over Power Line (BPL)**  
[4870] **deployment by electric utilities in California.**

Agenda 3157, Item 57 8/25/2005 (Brown)

**24a** **ALTERNATE TO ITEM 4870**

[4916]

Alternate Order Instituting Rulemaking concerning Broadband Over Power Line (BPL) deployment by electric utilities in California.

(Comr Brown)

**25** **I \_\_\_\_\_ - Order Instituting Investigation to facilitate proactive deployment of**  
[4905] **transmission infrastructure to access renewable energy resources in California.**

The Commission opens this investigation to examine and improve the process for deployment of transmission infrastructure necessary to access renewable energy in California consistent with the goals of the Renewables Portfolio Standard and least-cost, best-fit criteria. In addition this investigation will address other renewable transmission related issues from various ongoing proceedings.

**26** **A05-06-044 - San Diego Gas & Electric Company (SDG&E).**

[4906]

SDG&E's application to amortize a \$50.3 million overcollection in its ERRAs, resulting in a system average electric rate reduction of 0.32 cents per kilowatt-hour, or 2.4%, is granted. The decrease results from the combined refund payments of \$38 million from the Mirant electric generator settlement and the El Paso Natural Gas settlement that were credited to the existing May 31, 2005 balance of \$7.9 million, exceeding the 4% trigger resulting in this decrease. Rates are reduced for all consumption not subject to AB 1X rate caps. This proceeding is closed.

(Comr Bohn - ALJ Patrick)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200847](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200847)

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**Regular Agenda - Energy Resolutions and Written Reports**

- 27**  
[4824]      **Res E-3943**  
This resolution directs Pacific Gas and Electric Company (PG&E) and Southern California Edison Company (SCE) to take additional actions to be in full compliance with the Commission Decision 04-07-028, which would be consistent with their approved short-term procurement plans. PG&E and SCE are ordered to develop a new Operating Procedure in cooperation with the California Independent System Operator to help congestion mitigation by using effectiveness factors in procurement and scheduling activities.  
(Exam Gallagher)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
Agenda 3157, Item 58 8/25/2005 (Staff)  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200095](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200095)
- 28**  
[4844]      **Res E-3948 - San Diego Gas & Electric Company (SDG&E).**  
SDG&E seeks approval of its updated long-term procurement plan filed in compliance with D04-12-048.  
(Advice Letter 1684-E, filed April 12, 2005)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202422](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202422)
- 29**  
[4845]      **Res E-3947 - Pacific Gas and Electric Company (PG&E).**  
PG&E requests approval of its updated long-term procurement plan filed in compliance with D04-12-048. (Advice Letter (AL) 2643, filed March 25, 2005 and AL 2643-E-A, filed April 1, 2005)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*
- 30**  
[4846]      **Res E-3950 - Southern California Edison Company (SCE).**  
SCE seeks approval of its updated procurement plan filed in compliance with D04-12-048. (Advice Letter 1878-E, filed March 25, 2005)  
*Pub. Util. Code § 311 – This item was mailed for Public Comment.*  
[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202425](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202425)

## Regular Agenda - Energy Resolutions and Written Reports (continued)

**31**

[4866]

**Res G-3381 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).**

SoCalGas in Advice Letter (AL) 3491 requests approval to eliminate SoCalGas' Schedules GT-SD. SDG&E in AL 1521-G requests approval to eliminate Schedules GTC-SD, GTNC-SD and EG-SD. This resolution denies SoCalGas' AL 3491 and SDG&E's AL 1521-G. (SoCalGas' AL 3491, filed April 19, 2005 and SDG&E's AL 1521-G, filed April 19, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202702](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202702)

## Regular Agenda - Telecommunication Orders

**32**

[4765]

**C04-08-026 - AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego and TCG San Francisco vs. Verizon California Inc.**

C04-09-001, C04-09-010 - Related matters. In this complaint case, the presiding officer's decision (POD) ordered that Verizon California Inc. (Verizon) continue to allow Complainants AT&T Communications of California, Inc., TCG Los Angeles, Inc, TCG San Diego and TCG San Francisco (collectively AT&T); Complainants Telescape Communications, Inc and Wholesale Airtime, Inc.; Intervenor NII Communications, Inc.; Intervenor MCI, Inc.; and Intervenor A New Telecommunications Corporation d/b/a Call America and Navigator Telecommunications, LLC to purchase unbundled Local Switching and Common Transport network elements under the terms of their interconnection agreements. The POD finds that Verizon may not decline to sell the unbundled network elements on the grounds that Verizon has changed certain hardware (i.e., replaced the circuit switch with a packet switch) used to provide the network elements. Complainant ACN Communications Services, Inc. is not granted relief because its interconnection agreement with Verizon has expired. Intervenor Fones4All is not granted relief because of its failure to prosecute. Complainants Blue Casa Communications, LLC, Covad Communications Company, and Vycera Communications, Inc.'s motions to withdraw from this proceeding are granted. The decision also disposes of the appeal to the POD's decision filed by Verizon, as well as AT&T's motion to withdraw its complaint. These proceedings are closed.

(Comr Brown - ALJ Econome)

*Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.*

*Pub. Util. Code § 1701.1 -- This proceeding is categorized as Adjudicatory.*

Agenda 3156, Item 52 7/21/2005 (Kennedy);

Agenda 3157, Item 59 8/25/2005 (Grueneich)

**32a**

[4858]

**ALTERNATE TO ITEM 4765**

C04-09-001, C04-09-010 - Related matters. PROPOSED ORDER OF COMMISSIONER KENNEDY DIFFERENT FROM PRESIDING OFFICER'S DECISION - This decision grants Verizon's appeal and modifies the Presiding Officer's Decision thus allowing Verizon to replace circuit switches with packet switches and to migrate those customers to Resale.

(Comr Kennedy)

Agenda 3157, Item 59a 8/25/2005 (Grueneich)

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Regular Agenda - Telecommunication Orders (continued)**33**

[4819]

**R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.**

I01-09-002 - Related matters. This decision grants the petition of The Utility Reform Network and Office of Ratepayer Advocates to expand the years covered by the proposed New Regulatory Framework audit and denies the petition of Verizon to limit the scope of the audit in Phase III, but states that it will consider whether and how to set a cost cap for the audit in Phase III. In addition, the decision defers the commencement of the audit until the conclusion of A05-04-020 or Phase 3 of the instant proceeding, whichever is later.

(Comr Kennedy - ALJ Kenney)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3157, Item 61 8/25/2005 (Brown)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200048](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200048)

**33a**

[4873]

**ALTERNATE TO ITEM 4819**

I01-09-002 - Related matters. This alternate decision varies from the draft decision in that it does not attempt to direct ORA's audit of Verizon nor does it put limitations on ORA's audit via the allocation of funding for the audit.

(Comr Brown)

Agenda 3157, Item 61a 8/25/2005 (Brown)

**Regular Agenda - Water/Sewer Orders****34**

[4823]

**A04-04-040 - California American Water Company (Cal-Am).**

A04-04-041, A04-08-013 - Related matters. This decision adopts a proposed settlement in the general rate cases, defers adoption of a low-income customer assistance program, and denies Cal-Am's request to consolidate rates in its Sacramento and Larkfield Districts. This proceeding is closed.

(Comr Brown - ALJ Walwyn)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.*

Agenda 3157, Item 62 8/25/2005 (Staff)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=200141](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200141)

**34a**

[4915]

**ALTERNATE TO ITEM 4823**

A04-04-041, A04-08-013 - Related matters. Alternate decision adopting proposed settlement and approving a low-income assistance program and California American Water Company's request for rate consolidation. This proceeding is closed.

(Comr Peevey)

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## Regular Agenda - Water/Sewer Resolutions and Reports

**35**

**Res W-4553 - Great Oaks Water Company.**

[4810]

This resolution authorizes Great Oaks Water Company an expansion of service area. (Advice Letter 170, filed April 29, 2005)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

Agenda 3157, Item 63 8/25/2005 (Staff)

**Regular Agenda - Transportation/Rail Safety Orders****36**

[4908]

**I05-06-042 - Order Instituting Investigation on Commission's own motion into operations and practices of Wine & Roses Limousine Service, dba AA Limousine, AAA Limousine, Espresso Limousine, Espresso Transportation, AAA Corporate Limousines, Total Transportation Network, and LaGrande Affaire, and its President, Steve Bonner, to determine whether they have violated laws, rules, and regulations governing matter in which charter-party carriers conduct operations.**

This decision suspends respondents' authority to conduct passenger transportation services effective immediately.

(Comr Brown - ALJ Bushey)

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.*

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=201856](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201856)



**Regular Agenda - Other Utility Orders****37**

[4777]

**R03-08-019 - Order Instituting Rulemaking on the Commission's own motion to amend General Order 77-K.**

General Order (GO) 77-L will not be amended and remains in effect as originally adopted in August 2004. Tier I Utilities (those with over \$1 billion annual operating revenue) are directed to include in all future GO 77 reports an internet site-link to all documents filed with the Securities and Exchange Commission that relate to executive compensation.

(Comr Peevey - ALJ Koss)

*Pub. Util. Code § 311 – This item was mailed for Public Comment.*

*Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.*

Agenda 3156, Item 55 7/21/2005 (Peevey);

Agenda 3157, Item 67 8/25/2005 (Bohn)

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202754](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202754)

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## Regular Agenda - Legislative Matters - Discussion

**38**

[4889]

### **Proposition 80**

Proposition 80, "Electric Service Providers. Regulation. Initiative Statute "

[http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC\\_ID=202195](http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202195)

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**Regular Agenda - Commissioner's Reports**

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**Regular Agenda - Management Reports and Resolutions**

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).*

### Closed Session - Non-Federal

**39**

[4742]

#### **Conference with Legal Counsel - Applications for Rehearing**

Compilation of applications for rehearing recently filed with the Commission.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

**40**

[4776]

#### **R04-04-003 - Conference with Legal Counsel - Application for Rehearing**

Disposition of Applications for Rehearing of D04-12-048, filed by Strategic Energy, Constellation New Energy, and the Alliance for Retail Markets; Southern California Edison Company; South San Joaquin Irrigation District; and the Cogeneration Association of California and the Energy Producers and Users Coalition. In D04-12-048, the Commission adopted, with modifications, Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company's Long-Term Procurement Plans and provided direction to the utilities on the procurement of the resources identified therein.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

Agenda 3156, Item 67 7/21/2005 (Staff);

Agenda 3157, Item 82 8/25/2005 (Peevey)

**41**

[4865]

#### **A05-02-022 - Conference with Legal Counsel - Application for Rehearing**

Disposition of application for rehearing of Resolution G-3372 filed by Pacific Gas and Electric Company. Resolution G-3372 addresses Pacific Gas and Electric Company's Advice Letter 2581-G/2568-E proposing modifications to electric and gas Rules 17.1 and 17.2 and an additional Rule 17.3, regarding retroactive billing of residential customers.

*Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.*

Agenda 3157, Item 83 8/25/2005 (Staff)

**Closed Session - Initiation of Litigation - Non-Federal**

Consideration of possible Commission initiation of, or intervention in, litigation.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**Closed Session - Threatened Litigation - Non-Federal**

Significant exposure to litigation

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

### **Closed Session - Personnel Matters**

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

*Gov. Code § 11126(a), allows this item to be considered in Closed Session*



**Closed Session - Threatened Litigation - Federal**

Significant exposure to litigation in federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session*

**Closed Session - Initiation of Litigation - Federal**

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

**42**

[4699]

**FCC Docket No. 05-193, FCC Docket No. 05-194 - Conference with Legal Counsel - Initiation of Litigation**

Petition of the Cellular Telecommunications & Internet Association for Ruling Confirming that: (1) Early Termination Fees in Wireless Service Contracts Are "Rates Within the Meaning of Section 332(c)(3)(A) of the Communications Act and FCC Precedent, etc., FCC Docket No. 05-194; and In re Clarification That Early Termination Fees Charged to Cellular Telephone Customers Are "Rates Charged" Within The Meaning of 47 U.S.C. §332(c)(3)(A), FCC Docket No. 05-193.

*Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.*

Agenda 3155, Item 65 6/30/2005 (Kennedy);

Agenda 3157, Item 85 8/25/2005 (Staff)

**Closed Session - Federal****43**

[4912]

**9th Cir. Nos. 04-73650 & 04-75240; FERC Docket No. CP04-58-000; Case No. B179502 -  
Conference with Legal Counsel - Existing Litigation**

Californians for Renewable Energy, Inc. and California Public Utilities Commission v. FERC, 9th Cir. Nos. 04-73650 & 04-75240; Sound Energy Solutions, FERC Docket No. CP04-58-000; Sound Energy Solutions v. California Public Utilities Commission, Cal.Ct. of Appeal, 2nd Dist. Case No. B179502.

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*

**Closed Session - FERC Docket No. EL00-95-000**

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

*Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.*